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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 63/97, in which the Secretary-General was requested to report to the Assembly at its sixty-fourth session on the implementation of the resolution. The period covered by the report is September 2008 to August 2009.

The report addresses the continuation of Israeli settlement activities in the occupied Arab territories and its impact on the human rights of the residents.

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I. Introduction

1. In its resolution 63/97, the General Assembly expressed grave concern about the continuation by Israel, the Occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, United Nations resolutions and agreements reached by the parties, particularly about Israel's construction and expansion of settlements in and around East Jerusalem. It also expressed concern about the dangerous situation resulting from violent actions taken by armed Israeli settlers in the Occupied Palestinian Territory.

2. Furthermore, the General Assembly, in the same resolution, reaffirmed that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan were illegal and called upon Israel to strictly comply with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem. In addition, the resolution reiterated its demand for the complete and immediate halt of all Israeli settlement activities, including in East Jerusalem and the occupied Syrian Golan.

3. The General Assembly also called for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stressed the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers. The resolution also called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

4. The present report addresses progress made in the implementation of resolution 63/97 concerning, specifically, Israeli settlement activities in the occupied territories, as well as violence by Israeli settlers. Other relevant issues referred to in the resolution are covered by the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory (A/64/517).

5. The preset report needs to be read in conjunction with the previous report of the Secretary-General on this question (A/63/519). Such issues as the confiscation of land, the wall, the bypass and prohibited roads and checkpoints presented previously are not repeated here. The previous report also provided the historical background of the issues of Israeli settlements. The present report provides an update on the settlements and highlights additional concerns. The report relies heavily on information made publicly available by the Office for the Coordination of Humanitarian Affairs (see http://www.ochaopt.org).

II. Legal background

A. International humanitarian law

6. The most relevant international humanitarian law standards concerning Israel's responsibilities in the Occupied Palestinian Territory as the Occupying Power are set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons

in Time of War and in the Hague Regulations, which are recognized as part of customary international law.[1]

7. Article 49 of the Fourth Geneva Convention stipulates specifically that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Israel's continued settlement activities are in flagrant violation of this provision, as confirmed by the International Court of Justice in its advisory opinion on the wall. This has also been confirmed repeatedly by a number of United Nations resolutions, including, most recently, by General Assembly resolution 63/97 and Human Rights Council resolution 10/18.

8. The Hague Regulations prohibit an occupying power from undertaking permanent changes in the occupied area unless they are due to military needs in the narrow sense of the term or unless they are undertaken for the benefit of the local population. The occupying power must refrain from changing the character, status or demographic composition of the occupied territory. It is also bound to protect the rights of protected persons in occupied territories. In addition to the construction of the settlements themselves, other settlement-related activities, such as the confiscation of land, the destruction of houses and orchards, the construction of roads meant for settlers only and the exploitation of natural resources, including water, within the occupied territory and altering the character and status of the Occupied Palestinian Territory, are also prohibited by international law. Concerns over the use and depletion of natural resources as a result of settlements have been raised by the international community on numerous occasions.[2]

B. International human rights law

9. Israel has ratified several of the most important international human rights treaties, including the International Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

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[1] In its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004 (see A/ES-10/273 and Corr.1), the International Court of Justice concluded that the Fourth Geneva Convention was applicable in the Palestinian territories which, before the 1967 conflict, lay to the east of the Green Line and which, during that conflict, were occupied by Israel. Since then a significant number of United Nations resolutions have reaffirmed the applicability of the Fourth Geneva Convention, the most recent being Human Rights Council resolutions S-9/1 and 10/18 and General Assembly resolutions 63/96, 63/97 and 63/201. In its advisory opinion, the Court recalled that while Israel was not a party to the Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), to which the Hague Regulations are annexed, the provisions of the Hague Regulations had become part of customary international law.

[2] See various General Assembly resolutions, including 63/201. Also see Security Council resolution 465 (1980), whereby the Council, taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, expressed its concern and requested the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, and to investigate the reported serious depletion of natural resources, particularly water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation.

the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

10. In its advisory opinion on the wall, the International Court of Justice affirmed that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were applicable in respect of acts carried out by and legal obligations of Israel in the Occupied Palestinian Territory (see A/ES-10/273, paras. 102-113). The position of United Nations human rights treaty bodies mirrors that of the International Court of Justice, namely, that as a party to international human rights instruments, Israel continues to bear responsibility for implementing its human rights obligations in the Occupied Palestinian Territory under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of Racial Discrimination to the extent that it continues to exercise jurisdiction in those territories.[3] The Court also noted that Israel's obligations under the International Covenant on Economic, Social and Cultural Rights include "an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities" (A/ES-10/273, para. 112).

11. Israel's establishment of settlements in the Occupied Palestinian Territory has affected numerous rights of Palestinian residents that are enshrined in international human rights law. In particular, the Government of Israel has imposed severe restrictions on the freedom of movement of Palestinians in the vicinity of the settlements, including through the building of the wall, checkpoints, road closures and a road network open only to settlers and Israeli citizens. Those restrictions on freedom of movement have in turn generated violations of a wide range of other human rights, such as the right to education, the right to work, the right to an adequate standard of living, the freedom of religion and the right to the highest attainable standard of health, which, as mentioned above, are dealt with in more depth in another report (A/64/517).

III. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and their impact on the enjoyment of human rights

A. Overview

12. As noted in the previous report of the Secretary-General to the General Assembly (A/63/519), settlements represent an obstacle to the creation of the future Palestinian state. The Government of Israel committed itself, under phase I of the road map, to freeze all settlement activity from March 2001 (S/2003/529, annex). This was consistent with the recommendation contained in the report of the Sharm

[3] An examination of the concluding observations of different United Nations treaty bodies confirms this view. See A/HRC/8/17, para. 7; CERD/C/ISR/CO/13, para. 32, CRC/C/15/Add.195, CAT/C/ISR/CO/4, para. 11, and A/60/38, part two, paras. 221-268.

el-Sheikh Fact-Finding Committee of 2001, which stated that Israel should freeze all settlement activity, including the so-called "natural growth" of existing settlements, and that the kind of security cooperation desired by Israel could not be reconciled with settlement activity.

13. Despite the commitments made by the Government of Israel to cease settlement activity and international calls to halt expansion, settlements in the Occupied Palestinian Territory continue to expand in violation of Israel's obligations under international humanitarian law. The Office for the Coordination of Humanitarian Affairs reports that by the end of 2008, about 485,800 settlers were residing in 121 settlements in the West Bank, including 195,000 in 12 settlements in East Jerusalem. Statistics indicate that in 2008 the settler population, excluding in East Jerusalem, grew by 4.6 per cent, a much faster rate than the general population elsewhere in Israel (1.6 per cent). According to the Israeli non-governmental organization B'Tselem, some 40 per cent of the growth in the settler population outside of East Jerusalem was the result of persons emigrating from elsewhere in the world or Israel, as opposed to natural growth.

14. As at June 2009, some of the major construction projects in progress included those in Ma'ale Adumim and Giv'at Zeev Illit (around East Jerusalem), where around 900 and 800 housing units, respectively, were being built. Hundreds of other housing units are being constructed in Beitar Illit and Modin Illit. In more than 22 other settlements in the West Bank, construction ranging from the building of 1 or 2 to 50 villas is actively being carried out.

15. Despite a policy of the Government of Israel that settlements should not be built on privately owned Palestinian land, there is evidence, reported by the non-governmental organization Peace Now, that this is not always the case and that land owned privately by Palestinian residents of the Occupied Palestinian Territory has been expropriated for the building of settlements. An illustrative example is that of Ofra settlement, populated by 2,700 persons some 24 kilometres east of the Green Line (i.e. inside the occupied territory), of which some 60 per cent of land had already been registered to Palestinian residents before 1967.

16. In practice, large swaths of land around settlements are often de facto closed off to Palestinian residents, either by the Government of Israel or by the settlers themselves with the tacit approval of the Israeli security forces. While this had been occurring for many years, it was further institutionalized by the Government of Israel in 2002 through the "special security area" framework, by which closed areas 300 metres wide (later expanded to 400 metres) are established around many settlements. In March and April 2008, B'Tselem obtained from the Government of Israel information showing that, as a result of those measures having been taken around 12 settlements, their overall area had increased from 3,235 dunams to 7,794 dunams. More than half of the land that has reportedly been effectively expropriated under this framework is private land owned by Palestinians. In some cases, such as Ma'ale Adumim, 86 per cent of the lands on which settlement units are built are privately owned.

17. Peace Now recently reported that the Government of Israel was planning to construct at least 73,300 housing units in the West Bank, 15,000 of which had received final governmental approval. Close to 5,700 of those units are reportedly to be constructed in East Jerusalem.

18. In addition to settlements, there are currently around 100 "outposts" throughout the West Bank. Outposts are settlements that are not authorized by the Government of Israel and are therefore illegal under Israeli law, in addition to being illegal under international law. Nevertheless, the establishment of new outposts continued over the past year. In some of those, including Kida, Toka B and C, Lehavat Yitzar, Givat Harel, Ahiya and Neve Daniel North in the West Bank, permanent structures are being built, while the extensive expansion of factories in the industrial area in Areil and Barkan (central West Bank) is also being carried out.

19. According to the Office for the Coordination of Humanitarian Affairs in response to concerns raised by several States, the Government of Israel announced in May 2009 that it would dismantle outposts existing in various locations in the West Bank.

20. Although the existence and expansion of settlements affects nearly all Palestinians in the Occupied Palestinian Territory, the most vulnerable are the Bedouins in Area C, many of whom are refugees from the Negev. As herders and livestock owners, they are prevented from grazing their animals within 3 kilometres of nearby settlements in many areas and have frequent demolitions carried out against them by Israeli security forces[4] or the Israeli civil administration. Generally, Bedouins are becoming increasingly vulnerable and dependent on externally funded projects, which provide them with basic needs such as water and dry fodder.

B. Settlements in East Jerusalem

21. Between 1948 and June 1967, Jerusalem was divided in two: West Jerusalem, which consisted of an area of about 38 square kilometres, was under Israeli control, and East Jerusalem, which contained an area of some 6 square kilometres, was under Jordanian control (as was the rest of the West Bank). In June 1967, following the 1967 war, Israel annexed some 70 square kilometres beyond the municipal boundaries of West Jerusalem, on which it imposed Israeli law.

22. International law prohibits the annexation of territory occupied pursuant to an armed conflict.[5] Israel's annexation of East Jerusalem constitutes a flagrant violation of international law.

23. According to the Office for the Coordination of Humanitarian Affairs, 12 settlements have been constructed in East Jerusalem since its annexation, and the settler population stands at approximately 195,000.

24. In addition to having approved the expansion of settlements in East Jerusalem, the Government of Israel has implemented a number of other policies the result of which is to change the demography of East Jerusalem. In particular, the policies of the Government of Israel regarding urban planning in East Jerusalem, the dispensing of building permits and the demolition of homes built without permits have a

[4] Including border police, Israeli police and Israel Defense Forces.

[5] Article 2, paragraph 4, of the Charter of the United Nations, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) and Security Council resolution 242 (1967) which emphasized the inadmissibility of the acquisition of territory by war.

discriminatory impact on Palestinian residents of East Jerusalem.[6] Furthermore, according to B'Tselem, the revocation of residency and social benefits of Palestinian residents who stay abroad for a continuous period of seven years or who are unable to prove that they reside in East Jerusalem are also discriminatory and are clearly aimed at ensuring that the maximum number of Palestinians leave the city (see, e.g., CERD/C/ISR/CO/13, para. 20). Those policies and practices are in violation of human rights obligations on non-discrimination, in particular as elaborated in article 2 of the International Covenant on Civil and Political Rights; articles 2 and 5 of the International Convention on the Elimination of Racial Discrimination and article 2 of the International Covenant on Economic, Social and Cultural Rights. They also affect the right to self-determination, guaranteed under article 1 of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. In addition, those policies affect a number of other human rights of the Palestinian residents of East Jerusalem, such as their right to adequate housing (article 11 of the International Covenant on Economic, Social and Cultural Rights) and their right to privacy and family life (articles 17 and 23 of the International Covenant on Civil and Political Rights and article 10 of the International Covenant on Economic, Social and Cultural Rights).

25. In addition, the Government of Israel has been planning to construct a new settlement between Ma'ale Adumim (a large settlement 14 kilometres east of Jerusalem housing approximately 33,000 people) and East Jerusalem. The proposed settlement (commonly known as the E1, for "East 1" plan) consists of around 3,500 housing units for approximately 15,000 people, as well as commercial areas and tourism buildings. This would reportedly entail the removal of close to 2,700 Jahalin Bedouins, who live a traditional semi-nomadic life in the area. According to the Office for the Coordination of Humanitarian Affairs, all of the West Bank east of Ma'ale Adumim has been declared a closed military area by the Israeli military, and access is prohibited to all Palestinians.

IV. Israeli settler violence in the Occupied Palestinian Territory

26. Violent acts by settlers against the Palestinian population of the Occupied Palestinian Territory continued. Data compiled by the United Nations Office for the Coordination of Humanitarian Affairs indicates that settler-related incidents[7] have increased significantly over recent years. The Office documented 391 such incidents in 2008, as compared with 243 in 2007 and 182 in 2006. The number of Palestinians killed or injured as a result of settler violence also increased significantly, from

[6] For example, the land available for Palestinians in East Jerusalem for the construction of houses is a mere 13 per cent of East Jerusalem, much of which is already built up. Even there it is difficult to obtain permits. Also, the density, known as the plot ratio, permitted is half, or in some cases much less than half, that found in neighbouring Israeli settlements in East Jerusalem, or in West Jerusalem, thus limiting the possibility of housing for Palestinians. Between 1996 and 2000, for example, the number of recorded building violations was four and a half times higher in Israeli areas (17,382 violations) than in the Palestinian areas of East Jerusalem (3,847 violations). In spite of this, the number of demolition orders issued in West Jerusalem was merely one fourth (86 orders) the number in East Jerusalem (348).

[7] Including violence committed by settlers against Palestinians as well as other violations, such as the damaging of Palestinian property and trespassing.

74 in 2006 to 92 in 2007 and 195 in 2008.[8] In 2008, the Office noted that a significant majority of such violent acts had been carried out by groups of settlers as opposed to individuals, as had generally been the case before 2006.

27. The Office also reports that settler-related incidents in 2009 are continuing. It notes that the number of violent acts resulting in Palestinian casualties in 2009 may be slightly lower compared with 2008. On the other hand, the number of Palestinian persons injured by settlers remains at the high level of 2008, with 269 settler-related incidents as at September 2009 41 of which resulted in the injury of 108 Palestinians.[9] Israeli settlers living in many areas have a special dispensation regarding the owning and carrying of firearms, and many settlements maintain their own volunteer paramilitary forces, some of which are heavily armed.

28. The Office for the Coordination of Humanitarian Affairs reports that as at December 2008, approximately half of all Palestinian injuries from settler violence were suffered by women and children. Defence for Children International — Palestine Section, an international non-governmental organizations, documented 25 cases of settler violence directed at children from early 2008 to August 2009.[10] Settlers often commit violent acts against Palestinian residents with impunity. The Office for the Coordination of Humanitarian Affairs reported in 2008 that the majority of settler incidents recorded since 2006 had been committed by groups of Israeli settlers against Palestinian civilians as they performed their daily tasks — walking to school or to market, grazing their livestock, tending their fields or harvesting their crops. Children as young as 8 years old and elderly people as old as 95 have been targets of attacks. The full extent of settler violence is difficult to capture in part because settler harassment has become such a routine part of life for some Palestinians. Many incidents go unreported unless they have a significant result. In some areas, such as in the part of Hebron city under Israeli control or in the villages surrounding Yitzhar settlement in the Nablus governorate, the Office has recorded routine settler harassment and intimidation of Palestinian civilians by means of a variety of techniques, from the threat of force to its actual use.

29. **Recent events in the Palestinian village of Safa (Hebron) and the Bedouin community of Umm al-Khayr (southern West Bank) are illustrative.[11] Safa is bordered by the Israeli settlements of Bat Ayin to the north and Gush Etzion to the north-east. Following a murder that took place in the centre of Bat Ayin settlement by an unknown assailant on 3 April 2009, at about 2200 hours, dozens of Israel security forces entered Safa from different directions, using megaphones to order all men in the village to come out to the street. Several Palestinians were beaten by Israeli security forces and some were arrested. Several days later, on 8 April, settlers from both settlements, escorted by**

[8] It should be noted that these data rely on the monitoring efforts of the Office for the Coordination of Humanitarian Affairs and are not necessarily comprehensive.

[9] In 2008, 3 settlers were killed and 27 were wounded over the course of 2008 by Palestinians. The International Crisis Group notes that the presence of settlements also generates Palestinian violence; international observers and settlers report recent Palestinian attacks, including drive-by shootings, Molotov cocktails, bombs at settlement gates and a series of stabbings.

[10] In one case, for example, a lone 15-year-old boy was reportedly assaulted, for no apparent reason, by a group of more than 20 settlers.

[11] These are only a few of several cases that the United Nations is monitoring that illustrate the extent of the violations occurring to Palestinians owing to settlements and settlers' violence. For case studies see A/HRC/12/37 and A/HRC/12/48.

troops, gathered to the north and east of Safa. Both the settlers and Israeli security forces opened fire at Palestinian civilians with firearms, sound bombs and tear gas canisters. The attacks continued for 90 minutes, peaking when troops broke into the village and raided houses, wounding nine Palestinian civilians (see A/HRC/12/37, paras. 62-70).

30. **The Bedouin herding community of Umm al-Khayr lives on land — parts of which are privately owned by the community — that is in close proximity to several settlements.[12] The Bedouin community currently lives literally within metres of a settlement fence and suffers persistent harassment from settlers, with settler youth often lining up along the fence at night to throw stones and hurl verbal abuse. Security guards of the settlement, together with Israel Defense Forces, regularly make incursions into the village and search houses, claiming that there are "terrorists" planning to attack — despite the fact that there has never been any attack on the settlement. Despite several complaints to the police and the civil administration, in particular over the course of 2008, no serious investigation appears to have been conducted.**

31. **Since the summer of 2008, representatives of the Israeli civil administration, police officers and the security guards of the settlement have on different occasions verbally informed members of the community that they would no longer be allowed access to the area of the surrounding land that constitutes the bulk of their grazing land. Israel Defense Forces are now regularly positioned on top of one of the hills that is currently off limits to members of the community, ensuring that they are unable to have access to the area and are forced to take a long, roundabout route to graze their livestock.**

32. **Furthermore, a new security road that is currently under construction around Karmel settlement passes only 50 metres from the community's main water cistern. The community is denied access to the cistern while daily work on the road is carried out. Finally, the community has been subject to home demolitions. Most recently, on 29 October 2008, six homes and one food store were demolished, displacing 57 persons (including 28 children). The stated reason for the demolition was that the buildings concerned did not have building permits, which are nearly impossible to obtain in Area C. The information available to the Office of the United Nations High Commissioner for Human Rights indicates that in 2007, more than 90 per cent of applications for building permits in Area C were rejected (see A/HRC/12/37).**

33. In May 2008, Yesh Din, an Israeli non-governmental organization, published figures indicating that only 8 per cent of complaints involving settler-related incidents resulted in indictments. Some 87 per cent of assault complaints filed were reportedly closed without indictment. Overall, 92 per cent of cases involving criminal trespass, seizure of land and damaging of Palestinian crops were closed with no further action taken. Not a single property damage complaint was closed with an indictment. Although those figures rely on Yesh Din's monitoring efforts and are not comprehensive, Yesh Din states that no official body maintains comprehensive data on such investigations. The overwhelming majority (94 per cent) of the cases monitored by Yesh Din were closed owing to failures in the

[12] Until 2000, many members of the community performed labour in Israel and earned income. However, as restrictions on holders of West Bank identification entering Israel increased, this became impossible, and now the raising of livestock is one of the main sources of income.

investigation, such as failing to identify the perpetrator or to collect sufficient evidence. Yesh Din documented several cases in which the effort put into the investigation of serious crimes committed by settlers fell seriously short of that required to hold alleged perpetrators accountable and combat impunity. They included cases in which victims' complaints and testimonies were recorded in Hebrew rather than Arabic (the language in which the testimonies was given) and cases in which the police investigators did not visit the crime scene or when testimonies were not collected from key witnesses. According to Yesh Din, in a number of cases a decision was made to close the investigation even though there was sufficient prima facie evidence to prosecute the suspects. In one case, the police failed to conduct any investigation into the alibi of one settler whose identity card had been found at the scene of vandalized Palestinian crops.

34. In July 2009, in a letter from the Ministry of Justice to the Office of the United Nations High Commissioner for Human Rights, the Ministry stated that in 2007, 491 investigations against Israeli settlers for "disturbances of peace" were opened in the West Bank, leading to 57 indictments against 73 persons. In 2008, 525 investigations were opened, leading to 106 indictments against 140 persons.

35. Even when Israeli security forces are present at the scene, the information gathered by non-governmental organizations while carrying out field monitoring and collecting testimony suggests that their intervention to protect Palestinian residents is rare. Settlers are rarely arrested for committing violent acts. Numerous cases have also been documented in which the Israeli security forces facilitates, or even participates in, violence by settlers.[13]

36. There have been instances in which settlers were prosecuted. B'Tselem reports that in December 2008, a resident of the Yitav settlement in the north-eastern part of the West Bank was sentenced to 16 months of imprisonment after shooting and paralysing for life an unarmed Palestinian civilian. On the other hand, even in high-profile cases where there is incontrovertible evidence against the settler, effective prosecution and sentencing can be lacking. In July 2009, the Israeli Prosecutor's office reportedly stated that it would drop charges against a settler who had been caught on film shooting at Palestinians at close range during the aforementioned incident in December 2008. Although the settler had initially been charged with intention to cause grievous bodily harm, the Prosecutor's office refrained from pursuing the prosecution, stating that doing so might result in the revealing of secret evidence.

[13] In one case documented by Defence for Children International — Palestine, on 3 April 2009 two Palestinian boys (one 15-year-old and one 16-year-old) were attacked, for no apparent reason, by three Israeli border police officers and a settlement security guard in a field near Ma'on settlement in Hebron. After being chased and assaulted, the two boys were reportedly put in a police vehicle and transported to a nearby checkpoint, where they were taken out of the vehicle, handcuffed, kicked and beaten in front of approximately 20 other Israeli security force troops. The troops then stood by as a group of six or seven settlers, passing nearby, started throwing stones at the boys. The boys were eventually released when representatives from an international non-governmental organizations, which the boys were unable to identify, arrived on the scene and negotiated their release with the troops. In several other cases, settlers have been filmed committing violent acts against Palestinians in the presence, and sometimes even with the participation, of Israeli security forces.

V. Situation of Palestinian workers in Israeli settlements

37. According to the International Labour Organization (ILO), thousands of Palestinian women, men and children work in settlements in the West Bank, mainly in industrial and agricultural areas. It is estimated that some 26,000 Palestinian workers are employed in seven major settlements and industrial zones alone. Working in settlements is in many cases the only viable way to secure a livelihood for many Palestinians; however, as reported by ILO, the Palestinian workers are vulnerable to exploitation and violations of rights.

38. Many of the Palestinians who work in Israeli settlements and industrial zones are exposed to what ILO describes as "hazardous work environments without appropriate occupational safeguard and health measures in place". In addition, the existence of (Palestinian) child labour in Israeli settlements, particularly in numerous agricultural fields of the Jordan valley, is of great concern. ILO estimates that some 1,900 children work in those settlements, including some who perform dangerous work on date plantations, in violation of the Convention on the Rights of the Child, to which Israel is a State party, which states in article 32, paragraph 1, that children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous.

39. Although Israeli settlers working in settlements are represented by the Israeli national trade union, Palestinian trade unions are prohibited from operating in settlements. This discriminatory treatment has resulted in a situation in which Palestinian labourers are vulnerable to violations of their rights, with far less access to remedies than Israeli workers. While it is possible for a Palestinian worker in a settlement to take legal action against his employer with the aid of an Israeli national trade union, reports indicate that in reality Palestinian workers face far more obstacles in obtaining such assistance than Israeli workers do.

VI. Water resources and pollution

40. As the Occupying Power, Israel is obligated to ensure that the Palestinian population is able to realize its right to an adequate standard of living, the highest attainable standard of health and adequate housing and food, as elaborated in articles 11 and 12 of the International Covenant of Economic, Social and Cultural Rights, including their right to water. As noted by the Committee on Economic, Social and Cultural Rights, "the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. ... The right to water is also inextricably related to the right to the highest attainable standard of health ... and the rights to adequate housing and adequate food .... The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity" (E/C.12/2002/11, para. 3). Moreover, the obligation to guarantee that the right to water is enjoyed without discrimination prohibits any discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water.

41. Israel, as the Occupying Power, is also responsible under international law for the well-being, including public health and hygiene, of the occupied population. Article 56 of the Fourth Geneva Convention imposes on the occupying State primary responsibility for ensuring public health and hygiene in order to prevent the spread of disease and epidemics. The obligation to protect water sources is also derived from the occupying State's duty to ensure "public order and safety". This duty includes not only the negative obligation to refrain from harming the local population, for example, by damaging or polluting water sources and their supply, but also the positive obligation to take suitable measures to protect the population from dangers to which it is exposed. Furthermore, the Hague Regulations state that the occupying State "shall be regarded only as administrator and usufructuary" of the natural resources of the occupied territory.

42. The Government of Israel exploits the natural resources in the West Bank for the use of Israeli citizens in Israel and, in particular, in the settlements in the West Bank (see A/64/354). Although much of the West Bank is extremely arid, it is home to significant water resources, including underground deposits. One of the first acts of the Israeli military occupying forces in 1967 was to take control of all water resources and to prohibit any person from owning or establishing a well without prior authorization. The Government of Israel then proceeded to declare the lower Jordan River a closed military zone and destroyed Palestinian pumps and irrigation ditches (see A/40/381). In 1982, Israel placed the water supply system of the Occupied Palestinian Territory (including Gaza) under the control of Mekerot, the Israeli national water company.

43. According to B'Tselem, more than 200 Palestinian communities, with a total of 215,000 inhabitants, are not connected to a running water network and are forced to buy water from private suppliers, using up to 20 per cent of their income for the purchase of water (see, e.g., A/61/500/Add.1). According to the World Bank, per capita, the Palestinian population has access to only about a quarter of the ration of Israelis: West Bank Palestinians had about 123 litres a person daily, while Israelis had 544. Some Palestinians are surviving on as little as 10 to 15 litres a day. At these extremely low levels of consumption in both the domestic and agricultural spheres, Palestinians rank lowest in access to freshwater in the region.

44. The current water crisis for Palestinians in the West Bank is coupled with the problem of wastewater flowing into available natural reservoirs, aquifers and streams that many Palestinians depend on. In August 2008, the Government of Israel reported that by 2007 only 81 out of 121 settlements were connected to wastewater treatment facilities, which resulted in 5.5 million cubic metres out of a total of 12 million cubic metres of wastewater from settlements flowing into West Bank streams and valleys. Of the 81 treatment plants that exist in the settlements, many of them are inadequate, and high maintenance costs mean that their operation is often defective. In some large, well-established settlements, most of which were built in the 1970s and the 1980s, wastewater is not treated at all, or treatment systems have been neglected for decades. The Ministry of Environmental Protection has reportedly stated that it has plans for treating settlement wastewater, but as yet no scheduled completion date has been provided.

45. Since most settlements are located on ridges and hilltops, their untreated wastewater flows to nearby Palestinian communities, which are generally located

further down the slope. A Palestinian study showed that crops and water sources of 70 Palestinian villages near settlements were contaminated.

46. The Israeli national water company reportedly reduces the water supply to Palestinian communities substantially during the summer months,[14] causing considerable water shortages, to meet increased consumption needs in Israel and in Israeli settlements in the West Bank.

47. It should be noted that the exploitation of natural resources of the West Bank is by no means confined to water. In March 2009, Yesh Din petitioned the Israeli High Court to rule that the extensive mining operations in the West Bank were illegal and should be halted. As one of the bases of their petition, the non-governmental organization used a Government of Israel report that stated that the annual gravel yield in Area C of the West Bank was a total of some 12 million tons a year and that most of the quarries were owned by Israeli companies and mainly marketed the product in Israel (some 74 per cent of the yield).

VII. Settlements in the Occupied Syrian Golan

48. To date, the International Committee of the Red Cross estimates that the Israeli population in the occupied Syrian Golan is between 17,000 and 21,000 living in some 40 settlements. Since the occupation of the Syrian Golan in 1967, the Government of Israel has continued its settlement expansion, despite renewed resolutions calling upon Israel to desist from doing so (see, e.g., General Assembly resolution 63/99). In 2009, the Ministry of Housing reportedly embarked on a plan to increase the population of Katzrin from 6,500 to 20,000 over the next 20 years, and the Israel Land Authority issued 14 tenders for the construction of apartment buildings in Katzrin. In the past years, investments in tourist infrastructure in the occupied Golan reportedly increased.

VIII. Conclusions and recommendations

49. **The Government of Israel should abide by international legal obligations and its pre-existing commitments as stated in the road map, as well as the repeated calls of the international community, namely, to immediately dismantle settlement outposts erected since March 2001 and to freeze all settlement activity, including natural growth, including in occupied East Jerusalem.**

50. The Government of Israel should take action to halt attacks by Israeli settlers against the civilian population of the occupied territory and ensure that a proper investigation is carried out in regard to incidents caused by such settlers and that redress is given to the victims of such violence (see also A/63/519).

51. The Government of Israel should take action to ensure that the labour rights of all Palestinian workers in settlements, including the right to form and join trade unions, are respected. In accordance with article 32, paragraph 1, of the Convention on the Rights of the Child, the Government of Israel should protect children from

[14] The most recent information available, from 2006, indicates that the water supply is reduced from 15 to 25 per cent in the summer months.

economic exploitation and from performing any work that is likely to be hazardous, such as working on date plantations.

52. The Government of Israel should cease to exploit natural resources, including water, in the Occupied Palestinian Territory. In particular, the Government of Israel should take steps to halt the damage being caused to the aquifer in the West Bank and, as the Occupying Power, should ensure non-discriminatory distribution of water resources (see A/64/354).

53. The General Assembly and the international community should actively promote the implementation of its decisions, resolutions and recommendations and those of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedures mandate holders.